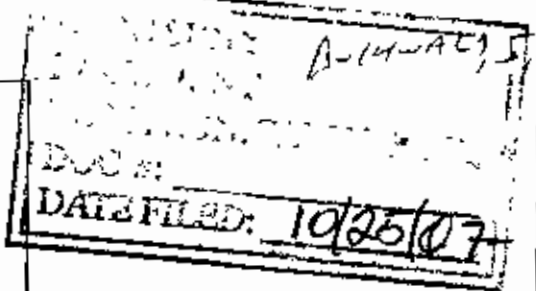


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORKIn the Matter of  
ARBITRATION OF DISPUTES

between

THE TRUSTEES OF THE  
UNITE HERE NATIONAL RETIREMENT FUND,  
Petitioner,

and

RESISTFLAME ACQUISITION CORP.  
C/O KIESLING-HESS FINISHING CO.,  
Respondent.**DEFAULT JUDGMENT**  
**07 Civ. 6469 (NRB)**

# \_\_\_\_\_

The Trustees of the UNITE HERE National Retirement Fund (hereinafter, the "Petitioner") having commenced the within proceeding on July 17, 2007 by filing a Petition to Confirm the Arbitration Award, dated July 13, 2007 (hereinafter, the "Petition"), and Resistflame Acquisition Corp., C/O Kiesling-Hess Finishing Co. (hereinafter, the "Respondent") having been duly served on August 15, 2007 with a copy of the Petition to Confirm Arbitration Award, Notice of Petition and Memorandum of Law in Support of Petition to Confirm Arbitration Award by personal delivery upon Jim McGregor, Manager, who is authorized to accept service on behalf of the Respondent at Respondent's place of business at 300 West Bristol Street, Philadelphia, Pennsylvania 19140, and proof of such service having been filed with the Court on September 13, 2007, and a copy of this application having been mailed to the Respondent on October 22, 2007, and Respondent having failed to appear, answer or otherwise move with respect to the Petition; and

In light of the fact that the Court is being asked to confirm a default arbitration award and in accordance with the Second Circuit opinion in D.H. Blair & Co., Inc. -v.- Gottdiener, 462 F.3d 95 (2d Cir. 2006), this Court has examined the record upon which the underlying arbitration award was based and finds that the record supplied to the arbitrator was a sufficient basis for the award; and, it is

**NOW, THEREFORE**, upon application of the Petitioner and upon reading the annexed Affidavit of Mark Schwartz, Esq. duly sworn the 19<sup>th</sup> day of October 2007 and the Certificate of J. Michael McMahon, Clerk of Court, United States District Court for the Southern District of New York, noting the default of the above named Respondent for failure to appear, answer or otherwise move with respect to the Petition, it is hereby,

**ORDERED, ADJUDGED AND DECREED**, that the Arbitration Award of Philip Ross, dated June 29, 2007, is confirmed; and it is further,

**ORDERED, ADJUDGED AND DECIDED**, that Petitioner have Judgment against Respondent on the Award in the principal amount of \$1,330.67 together with interest in the amount of \$52.00 and costs in the amount of \$622.75, for a total Judgment of \$2,005.42.

Dated: October 25, 2007  
New York, New York



Naomi Reice Buchwald  
United States District Court Judge *na*

**THIS DOCUMENT WAS ENTERED  
ON THE DOCKET ON \_\_\_\_\_**